



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1827

Introduced 2/20/2015, by Sen. Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal of the Illinois Dental Practice Act from January 1, 2016 to January 1, 2026. Amends the Illinois Dental Practice Act. Moves language regarding licensing applicants from other states, temporary authorizations, and temporary permits for free dental care to provisions regarding types of dental licenses. Moves language regarding the performance of dental services by dental assistants. Makes changes in provisions regarding the Board of Dentistry, continuing education, acts constituting the practice of dentistry, the revocation or suspension of dental licenses, the revocation or suspension of dental hygienist licenses, investigations and informal conferences, disciplinary actions, recommendations for disciplinary actions, appointment of hearing officers, dental coordinators, and patient records. Repeals provisions concerning unreasonable revocation orders. Makes other changes. Effective immediately.

LRB099 06998 HAF 27080 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.26 and by adding Section 4.36 as follows:

6 (5 ILCS 80/4.26)

7 Sec. 4.26. Acts repealed on January 1, 2016. The following  
8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 ~~The Illinois Dental Practice Act.~~

12 The Collection Agency Act.

13 The Barber, Cosmetology, Esthetics, Hair Braiding, and  
14 Nail Technology Act of 1985.

15 The Respiratory Care Practice Act.

16 The Hearing Instrument Consumer Protection Act.

17 The Illinois Physical Therapy Act.

18 The Professional Geologist Licensing Act.

19 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;  
20 96-1246, eff. 1-1-11.)

21 (5 ILCS 80/4.36 new)

22 Sec. 4.36. Act repealed on January 1, 2026. The following

1 Act is repealed on January 1, 2026:

2 The Illinois Dental Practice Act.

3 Section 10. The Illinois Dental Practice Act is amended by  
4 changing Sections 6, 8.5, 11, 16.1, 17, 23, 24, 25, 26, 29, 30,  
5 38, 41, and 50 and by adding Section 17.5 as follows:

6 (225 ILCS 25/6) (from Ch. 111, par. 2306)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 6. Board of Dentistry - Report By Majority Required.  
9 There is created a Board of Dentistry, to be composed of  
10 persons designated from time to time by the Secretary, as  
11 follows:

12 Eleven persons, 8 of whom have been dentists for a period  
13 of 5 years or more; 2 of whom have been dental hygienists for a  
14 period of 5 years or more, and one public member. None of the  
15 members shall be an officer, dean, assistant dean, or associate  
16 dean of a dental college or dental department of an institute  
17 of learning, nor shall any member be the program director of  
18 any dental hygiene program. A board member who holds a faculty  
19 position in a dental school or dental hygiene program shall not  
20 participate in the examination of applicants for licenses from  
21 that school or program. The dental hygienists shall not  
22 participate in the examination of applicants for licenses to  
23 practice dentistry. The public member shall not participate in  
24 the examination of applicants for licenses to practice

1 dentistry or dental hygiene. The board shall annually elect a  
2 chairman and vice-chairman who shall both be dentists ~~a~~  
3 ~~dentist~~.

4 Terms for all members shall be for 4 years. Partial terms  
5 over 2 years in length shall be considered as full terms. A  
6 member may be reappointed for a successive term, but no member  
7 shall serve more than 2 full terms in his or her lifetime.

8 The membership of the Board shall include only residents  
9 from various geographic areas of this State and shall include  
10 at least some graduates from various institutions of dental  
11 education in this State.

12 In making appointments to the Board the Secretary shall  
13 give due consideration to recommendations by organizations of  
14 the dental profession in Illinois, including the Illinois State  
15 Dental Society and Illinois Dental Hygienists Association, and  
16 shall promptly give due notice to such organizations of any  
17 vacancy in the membership of the Board. The Secretary may  
18 terminate the appointment of any member for cause which in the  
19 opinion of the Secretary reasonably justifies such  
20 termination.

21 A vacancy in the membership of the Board shall not impair  
22 the right of a quorum to exercise all the rights and perform  
23 all the duties of the Board. Any action to be taken by the  
24 Board under this Act may be authorized by resolution at any  
25 regular or special meeting, and each such resolution shall take  
26 effect immediately. The Board shall meet at least quarterly.

1 ~~The Board may adopt all rules and regulations necessary and~~  
2 ~~incident to its powers and duties under this Act.~~

3 The members of the Board shall each receive as compensation  
4 a reasonable sum as determined by the Secretary for each day  
5 actually engaged in the duties of the office, and all  
6 legitimate and necessary expense incurred in attending the  
7 meetings of the Board.

8 Members of the Board shall be immune from suit in any  
9 action based upon any disciplinary proceedings or other  
10 activities performed in good faith as members of the Board.

11 (Source: P.A. 97-1013, eff. 8-17-12.)

12 (225 ILCS 25/8.5)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 8.5. Unlicensed practice; violation; civil penalty.

15 (a) Any person who practices, offers to practice, attempts  
16 to practice, or holds oneself out to practice dentistry or  
17 dental hygiene without being licensed under this Act shall, in  
18 addition to any other penalty provided by law, pay a civil  
19 penalty to the Department in an amount not to exceed \$10,000  
20 for each offense as determined by the Department. The civil  
21 penalty shall be assessed by the Department after a hearing is  
22 held in accordance with the provisions set forth in this Act  
23 regarding the provision of a hearing for the discipline of a  
24 licensee.

25 (b) The Department has the authority and power to

1 investigate any and all unlicensed activity.

2 (c) The civil penalty shall be paid within 60 days after  
3 the effective date of the order imposing the civil penalty. The  
4 order shall constitute a judgment and may be filed and  
5 execution had thereon in the same manner as any judgment from  
6 any court of record.

7 (Source: P.A. 88-223; 89-80, eff. 6-30-95.)

8 (225 ILCS 25/11) (from Ch. 111, par. 2311)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 11. Types of dental licenses; licensing applicants  
11 from other states; temporary authorizations; temporary permits  
12 for free dental care ~~Dental Licenses~~. The Department shall have  
13 the authority to issue the following types of licenses:

14 (a) General licenses. The Department shall issue a license  
15 authorizing practice as a dentist to any person who qualifies  
16 for a license under this Act.

17 (b) Specialty licenses. The Department shall issue a  
18 license authorizing practice as a specialist in any particular  
19 branch of dentistry to any dentist who has complied with the  
20 requirements established for that particular branch of  
21 dentistry at the time of making application. The Department  
22 shall establish additional requirements of any dentist who  
23 announces or holds himself or herself out to the public as a  
24 specialist or as being specially qualified in any particular  
25 branch of dentistry.

1           No dentist shall announce or hold himself or herself out to  
2 the public as a specialist or as being specially qualified in  
3 any particular branch of dentistry unless he or she is licensed  
4 to practice in that specialty of dentistry.

5           The fact that any dentist shall announce by card,  
6 letterhead or any other form of communication using terms as  
7 "Specialist," "Practice Limited To" or "Limited to Specialty  
8 of" with the name of the branch of dentistry practiced as a  
9 specialty, or shall use equivalent words or phrases to announce  
10 the same, shall be prima facie evidence that the dentist is  
11 holding himself or herself out to the public as a specialist.

12           (c) Temporary training licenses. Persons who wish to pursue  
13 specialty or other advanced clinical educational programs in an  
14 approved dental school or a hospital situated in this State, or  
15 persons who wish to pursue programs of specialty training in  
16 dental public health in public agencies in this State, may  
17 receive without examination, in the discretion of the  
18 Department, a temporary training license. In order to receive a  
19 temporary training license under this subsection, an applicant  
20 shall furnish satisfactory proof to the Department that:

21           (1) The applicant is at least 21 years of age and is of  
22 good moral character. In determining moral character under  
23 this Section, the Department may take into consideration  
24 any felony conviction of the applicant, but such a  
25 conviction shall not operate as bar to licensure;

26           (2) The applicant has been accepted or appointed for

1 specialty or residency training by an approved hospital  
2 situated in this State, by an approved dental school  
3 situated in this State, or by a public health agency in  
4 this State the training programs of which are recognized  
5 and approved by the Department. The applicant shall  
6 indicate the beginning and ending dates of the period for  
7 which he or she has been accepted or appointed;

8 (3) The applicant is a graduate of a dental school or  
9 college approved and in good standing in the judgment of  
10 the Department. The Department may consider diplomas or  
11 certifications of education, or both, accompanied by  
12 transcripts of course work and credits awarded to determine  
13 if an applicant has graduated from a dental school or  
14 college approved and in good standing. The Department may  
15 also consider diplomas or certifications of education, or  
16 both, accompanied by transcripts of course work and credits  
17 awarded in determining whether a dental school or college  
18 is approved and in good standing.

19 Temporary training licenses issued under this Section  
20 shall be valid only for the duration of the period of residency  
21 or specialty training and may be extended or renewed as  
22 prescribed by rule. The holder of a valid temporary training  
23 license shall be entitled thereby to perform acts as may be  
24 prescribed by and incidental to his or her program of residency  
25 or specialty training; but he or she shall not be entitled to  
26 engage in the practice of dentistry in this State.

1           A temporary training license may be revoked by the  
2 Department upon proof that the holder has engaged in the  
3 practice of dentistry in this State outside of his or her  
4 program of residency or specialty training, or if the holder  
5 shall fail to supply the Department, within 10 days of its  
6 request, with information as to his or her current status and  
7 activities in his or her specialty training program.

8           (d) Restricted faculty licenses. Persons who have received  
9 full-time appointments to teach dentistry at an approved dental  
10 school or hospital situated in this State may receive without  
11 examination, in the discretion of the Department, a restricted  
12 faculty license. In order to receive a restricted faculty  
13 license an applicant shall furnish satisfactory proof to the  
14 Department that:

15           (1) The applicant is at least 21 years of age, is of  
16 good moral character and is licensed to practice dentistry  
17 in another state or country; and

18           (2) The applicant has a full-time appointment to teach  
19 dentistry at an approved dental school or hospital situated  
20 in this State.

21           Restricted faculty licenses issued under this Section  
22 shall be valid for a period of 3 years and may be extended or  
23 renewed. The holder of a valid restricted faculty license may  
24 perform acts as may be required by his or her teaching of  
25 dentistry. In addition, the holder of a restricted faculty  
26 license may practice general dentistry or in his or her area of

1 specialty, but only in a clinic or office affiliated with the  
2 dental school. Any restricted faculty license issued to a  
3 faculty member under this Section shall terminate immediately  
4 and automatically, without any further action by the  
5 Department, if the holder ceases to be a faculty member at an  
6 approved dental school or hospital in this State.

7 The Department may revoke a restricted faculty license for  
8 a violation of this Act or its rules, or if the holder fails to  
9 supply the Department, within 10 days of its request, with  
10 information as to his current status and activities in his  
11 teaching program.

12 (e) Inactive status. Any person who holds one of the  
13 licenses under subsection (a) or (b) of Section 11 or under  
14 Section 12 of this Act may elect, upon payment of the required  
15 fee, to place his or her license on an inactive status and  
16 shall, subject to the rules of the Department, be excused from  
17 the payment of renewal fees until he or she notifies the  
18 Department in writing of his or her desire to resume active  
19 status.

20 Any licensee requesting restoration from inactive status  
21 shall be required to pay the current renewal fee and upon  
22 payment the Department shall be required to restore his or her  
23 license, as provided in Section 16 of this Act.

24 Any licensee whose license is in an inactive status shall  
25 not practice in the State of Illinois.

26 (f) Certificates of Identification. In addition to the

1 licenses authorized by this Section, the Department shall  
2 deliver to each dentist a certificate of identification in a  
3 form specified by the Department.

4 (g) Licensing applicants from other states. Any person who  
5 has been lawfully licensed to practice dentistry, including the  
6 practice of a licensed dental specialty or dental hygiene, in  
7 another state or territory which has and maintains a standard  
8 for the practice of dentistry, a dental specialty, or dental  
9 hygiene at least equal to that now maintained in this State or  
10 in which the requirements for licensure, at the date of his or  
11 her licensure, were substantially equivalent to the  
12 requirements then in force in this State, and who has been  
13 lawfully engaged in the practice of dentistry or dental hygiene  
14 for at least 3 of the 5 years immediately preceding the filing  
15 of his or her application to practice in this State and who  
16 deposits with the Department a duly attested certificate from  
17 the Board of the state or territory in which he or she is  
18 licensed certifying to the fact of his or her licensing and of  
19 his or her being a person of good moral character may, upon  
20 payment of the required fee, be granted a license to practice  
21 dentistry, a dental specialty, or dental hygiene in this State,  
22 as the case may be.

23 For the purposes of this subsection, "substantially  
24 equivalent" means that the applicant has presented evidence of  
25 completion and graduation from an American Dental Association  
26 accredited dental college or school in the United States or

1 Canada, presented evidence that the applicant has passed both  
2 parts of the National Board Dental Examination, and  
3 successfully completed an examination conducted by a regional  
4 testing service. In computing 3 of the immediately preceding 5  
5 years of practice in another state or territory, any person who  
6 left the practice of dentistry to enter the military service  
7 and who practiced dentistry while in military service may count  
8 as a part of such period the time spent by him or her in such  
9 service.

10 Applicants have 3 years after the date of application to  
11 complete the application process. If the process has not been  
12 completed in 3 years, the application shall be denied, the fee  
13 forfeited, and the applicant must reapply and meet the  
14 requirements in effect at the time of reapplication.

15 (h) Temporary authorization of applicants from other  
16 jurisdictions. A person holding an active, unencumbered  
17 license in good standing in another jurisdiction who applies  
18 for a license pursuant to subsection (g) of this Section due to  
19 a natural disaster or catastrophic event in another  
20 jurisdiction may be temporarily authorized by the Secretary to  
21 practice dentistry or dental hygiene under the supervision of a  
22 dentist licensed under this Act pending the issuance of the  
23 license. This temporary authorization shall expire upon  
24 issuance of the license or upon notification that the  
25 Department has denied licensure.

26 The Department may adopt all rules necessary for the

1 administration of this subsection (h).

2 (i) Temporary permit for free dental care. The Department  
3 may issue a temporary permit authorizing the practice in this  
4 State, without compensation, of dentistry or dental hygiene to  
5 an applicant who is licensed to practice dentistry or dental  
6 hygiene in another state, if all of the following apply:

7 (1) The Department determines that the applicant's  
8 services will improve the welfare of Illinois residents.

9 (2) The Department determines that the applicant is  
10 qualified and satisfies the criteria specified under  
11 Sections 9 and 13 of this Act, except for the examination  
12 requirement.

13 The Department may not require the applicant to pass an  
14 examination as provided in subsection (e) of Section 9 of this  
15 Act in order to receive a temporary permit under this Section.

16 A temporary permit under this Section shall authorize the  
17 practice of dentistry or dental hygiene in a specified area of  
18 the State for a period of time not to exceed 10 consecutive  
19 days in a year and may be renewed by the Department. The  
20 Department may require an applicant to pay a fee for the  
21 issuance or renewal of a permit under this Section.

22 The Secretary may summarily terminate any permit issued  
23 pursuant to this subsection, without a hearing, if the  
24 Secretary finds that evidence in his or her possession  
25 indicates that an individual permit holder's continuation in  
26 practice would constitute an imminent danger to the public. In

1 the event that the Secretary summarily suspends a permit issued  
2 pursuant to this Section, the permit holder may petition the  
3 Department for a hearing in accordance with the provisions of  
4 this Act to reinstate his or her permit.

5 In addition to terminating any permit issued pursuant to  
6 this subsection (i), the Department may issue a monetary  
7 penalty not to exceed \$1,000 upon the permit holder and may  
8 notify any state in which the permit holder has been issued a  
9 license that his or her Illinois permit has been terminated and  
10 the reasons for the termination. The monetary penalty shall be  
11 paid within 60 days after the effective date of the order  
12 imposing the penalty. The order shall constitute a judgment and  
13 may be filed and execution had thereon in the same manner as  
14 any judgment from any court of record. It is the intent of the  
15 General Assembly that a permit issued pursuant to this  
16 subsection (i) shall be considered a privilege and not a  
17 property right.

18 (Source: P.A. 94-409, eff. 12-31-05.)

19 (225 ILCS 25/16.1) (from Ch. 111, par. 2316.1)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 16.1. Continuing education. The Department shall  
22 promulgate rules of continuing education for persons licensed  
23 under this Act. In establishing rules, the Department shall  
24 require a minimum of 48 hours of study in approved courses for  
25 dentists during each 3-year licensing period and a minimum of

1 36 hours of study in approved courses for dental hygienists  
2 during each 3-year licensing period.

3 The Department shall approve only courses that are relevant  
4 to the treatment and care of patients, including, but not  
5 limited to, clinical courses in dentistry and dental hygiene  
6 and nonclinical courses such as patient management, legal and  
7 ethical responsibilities, and stress management. The  
8 Department shall allow up to 4 hours of continuing education  
9 credit hours per license renewal period for volunteer hours  
10 spent providing clinical services at, or sponsored by, a  
11 nonprofit community clinic, local or state health department,  
12 or a charity event. Courses shall not be approved in such  
13 subjects as estate and financial planning, investments, or  
14 personal health. Approved courses may include, but shall not be  
15 limited to, courses that are offered or sponsored by approved  
16 colleges, universities, and hospitals and by recognized  
17 national, State, and local dental and dental hygiene  
18 organizations.

19 No license shall be renewed unless the renewal application  
20 is accompanied by an affidavit indicating that the applicant  
21 has completed the required minimum number of hours of  
22 continuing education in approved courses as required by this  
23 Section. The affidavit shall not require a listing of courses.  
24 The affidavit shall be a prima facie evidence that the  
25 applicant has obtained the minimum number of required  
26 continuing education hours in approved courses. The Department

1 shall not be obligated to conduct random audits or otherwise  
2 independently verify that an applicant has met the continuing  
3 education requirement. The Department, however, may not  
4 conduct random audits of more than 10% of the licensed dentists  
5 and dental hygienists in any one licensing cycle to verify  
6 compliance with continuing education requirements. If the  
7 Department, however, receives a complaint that a licensee has  
8 not completed the required continuing education or if the  
9 Department is investigating another alleged violation of this  
10 Act by a licensee, the Department may demand and shall be  
11 entitled to receive evidence from any licensee of completion of  
12 required continuing education courses for the most recently  
13 completed 3-year licensing period. Evidence of continuing  
14 education may include, but is not limited to, canceled checks,  
15 official verification forms of attendance, and continuing  
16 education recording forms, that demonstrate a reasonable  
17 record of attendance. The Board shall determine, in accordance  
18 with rules adopted by the Department, whether a licensee or  
19 applicant has met the continuing education requirements. Any  
20 dentist who holds more than one license under this Act shall be  
21 required to complete only the minimum number of hours of  
22 continuing education required for renewal of a single license.  
23 The Department may provide exemptions from continuing  
24 education requirements. ~~The exemptions shall include, but~~  
25 ~~shall not be limited to, dentists and dental hygienists who~~  
26 ~~agree not to practice within the State during the licensing~~

1 ~~period because they are retired from practice.~~

2 (Source: P.A. 97-526, eff. 1-1-12; 97-1013, eff. 8-17-12.)

3 (225 ILCS 25/17) (from Ch. 111, par. 2317)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 17. Acts Constituting the Practice of Dentistry. A  
6 person practices dentistry, within the meaning of this Act:

7 (1) Who represents himself or herself as being able to  
8 diagnose or diagnoses, treats, prescribes, or operates for  
9 any disease, pain, deformity, deficiency, injury, or  
10 physical condition of the human tooth, teeth, alveolar  
11 process, gums or jaw; or

12 (2) Who is a manager, proprietor, operator or conductor  
13 of a business where dental operations are performed; or

14 (3) Who performs dental operations of any kind; or

15 (4) Who uses an X-Ray machine or X-Ray films for dental  
16 diagnostic purposes; or

17 (5) Who extracts a human tooth or teeth, or corrects or  
18 attempts to correct malpositions of the human teeth or  
19 jaws; or

20 (6) Who offers or undertakes, by any means or method,  
21 to diagnose, treat or remove stains, calculus, and bonding  
22 materials from human teeth or jaws; or

23 (7) Who uses or administers local or general  
24 anesthetics in the treatment of dental or oral diseases or  
25 in any preparation incident to a dental operation of any

1 kind or character; or

2 (8) Who takes impressions of the human tooth, teeth, or  
3 jaws or performs any phase of any operation incident to the  
4 replacement of a part of a tooth, a tooth, teeth or  
5 associated tissues by means of a filling, crown, a bridge,  
6 a denture or other appliance; or

7 (9) Who offers to furnish, supply, construct,  
8 reproduce or repair, or who furnishes, supplies,  
9 constructs, reproduces or repairs, prosthetic dentures,  
10 bridges or other substitutes for natural teeth, to the user  
11 or prospective user thereof; or

12 (10) Who instructs students on clinical matters or  
13 performs any clinical operation included in the curricula  
14 of recognized dental schools and colleges; or

15 (11) Who takes impressions of human teeth or places his  
16 or her hands in the mouth of any person for the purpose of  
17 applying teeth whitening materials, or who takes  
18 impressions of human teeth or places his or her hands in  
19 the mouth of any person for the purpose of assisting in the  
20 application of teeth whitening materials. A person does not  
21 practice dentistry when he or she discloses to the consumer  
22 that he or she is not licensed as a dentist under this Act  
23 and (i) discusses the use of teeth whitening materials with  
24 a consumer purchasing these materials; (ii) provides  
25 instruction on the use of teeth whitening materials with a  
26 consumer purchasing these materials; or (iii) provides

1 appropriate equipment on-site to the consumer for the  
2 consumer to self-apply teeth whitening materials.

3 The fact that any person engages in or performs, or offers  
4 to engage in or perform, any of the practices, acts, or  
5 operations set forth in this Section, shall be prima facie  
6 evidence that such person is engaged in the practice of  
7 dentistry.

8 The following practices, acts, and operations, however,  
9 are exempt from the operation of this Act:

10 (a) The rendering of dental relief in emergency cases  
11 in the practice of his or her profession by a physician or  
12 surgeon, licensed as such under the laws of this State,  
13 unless he or she undertakes to reproduce or reproduces lost  
14 parts of the human teeth in the mouth or to restore or  
15 replace lost or missing teeth in the mouth; or

16 (b) The practice of dentistry in the discharge of their  
17 official duties by dentists in any branch of the Armed  
18 Services of the United States, the United States Public  
19 Health Service, or the United States Veterans  
20 Administration; or

21 (c) The practice of dentistry by students in their  
22 course of study in dental schools or colleges approved by  
23 the Department, when acting under the direction and  
24 supervision of dentists acting as instructors; or

25 (d) The practice of dentistry by clinical instructors  
26 in the course of their teaching duties in dental schools or

1 colleges approved by the Department:

2 (i) when acting under the direction and  
3 supervision of dentists, provided that such clinical  
4 instructors have instructed continuously in this State  
5 since January 1, 1986; or

6 (ii) when holding the rank of full professor at  
7 such approved dental school or college and possessing a  
8 current valid license or authorization to practice  
9 dentistry in another country; or

10 (e) The practice of dentistry by licensed dentists of  
11 other states or countries at meetings of the Illinois State  
12 Dental Society or component parts thereof, alumni meetings  
13 of dental colleges, or any other like dental organizations,  
14 while appearing as clinicians; or

15 (f) The use of X-Ray machines for exposing X-Ray films  
16 of dental or oral tissues by dental hygienists or dental  
17 assistants; or

18 (g) The performance of any dental service by a dental  
19 assistant, if such service is performed under the  
20 supervision and full responsibility of a dentist.

21 For purposes of this paragraph (g), "dental service" is  
22 defined to mean any intraoral procedure or act which shall  
23 be prescribed by rule or regulation of the Department.  
24 Dental service, however, shall not include:

25 (1) Any and all diagnosis of or prescription for  
26 treatment of disease, pain, deformity, deficiency,

1 injury or physical condition of the human teeth or  
2 jaws, or adjacent structures.

3 (2) Removal of, or restoration of, or addition to  
4 the hard or soft tissues of the oral cavity, ~~except for~~  
5 ~~the placing, carving, and finishing of amalgam~~  
6 ~~restorations by dental assistants who have had~~  
7 ~~additional formal education and certification as~~  
8 ~~determined by the Department. A dentist utilizing~~  
9 ~~dental assistants shall not supervise more than 4~~  
10 ~~dental assistants at any one time for placing, carving,~~  
11 ~~and finishing of amalgam restorations.~~

12 (3) Any and all correction of malformation of teeth  
13 or of the jaws.

14 (4) Administration of anesthetics, ~~except for~~  
15 ~~monitoring of nitrous oxide, conscious sedation, deep~~  
16 ~~sedation, and general anesthetic as provided in~~  
17 ~~Section 8.1 of this Act, that may be performed only~~  
18 ~~after successful completion of a training program~~  
19 ~~approved by the Department. A dentist utilizing dental~~  
20 ~~assistants shall not supervise more than 4 dental~~  
21 ~~assistants at any one time for the monitoring of~~  
22 ~~nitrous oxide.~~

23 (5) Removal of calculus from human teeth.

24 (6) Taking of impressions for the fabrication of  
25 prosthetic appliances, crowns, bridges, inlays,  
26 onlays, or other restorative or replacement dentistry.

1           (7) The operative procedure of dental hygiene  
2 consisting of oral prophylactic procedures, ~~except for~~  
3 ~~coronal polishing and pit and fissure sealants, which~~  
4 ~~may be performed by a dental assistant who has~~  
5 ~~successfully completed a training program approved by~~  
6 ~~the Department. Dental assistants may perform coronal~~  
7 ~~polishing under the following circumstances: (i) the~~  
8 ~~coronal polishing shall be limited to polishing the~~  
9 ~~clinical crown of the tooth and existing restorations,~~  
10 ~~supragingivally; (ii) the dental assistant performing~~  
11 ~~the coronal polishing shall be limited to the use of~~  
12 ~~rotary instruments using a rubber cup or brush~~  
13 ~~polishing method (air polishing is not permitted); and~~  
14 ~~(iii) the supervising dentist shall not supervise more~~  
15 ~~than 4 dental assistants at any one time for the task~~  
16 ~~of coronal polishing or pit and fissure sealants.~~

17           ~~The limitations on the number of dental assistants a~~  
18 ~~dentist may supervise contained in items (2), (4), and (7)~~  
19 ~~of this paragraph (g) mean a limit of 4 total dental~~  
20 ~~assistants or dental hygienists doing expanded functions~~  
21 ~~covered by these Sections being supervised by one dentist.~~

22           (h) The practice of dentistry by an individual who:

23           (i) has applied in writing to the Department, in  
24 form and substance satisfactory to the Department, for  
25 a general dental license and has complied with all  
26 provisions of Section 9 of this Act, except for the

1 passage of the examination specified in subsection (e)  
2 of Section 9 of this Act; or

3 (ii) has applied in writing to the Department, in  
4 form and substance satisfactory to the Department, for  
5 a temporary dental license and has complied with all  
6 provisions of subsection (c) of Section 11 of this Act;  
7 and

8 (iii) has been accepted or appointed for specialty  
9 or residency training by a hospital situated in this  
10 State; or

11 (iv) has been accepted or appointed for specialty  
12 training in an approved dental program situated in this  
13 State; or

14 (v) has been accepted or appointed for specialty  
15 training in a dental public health agency situated in  
16 this State.

17 The applicant shall be permitted to practice dentistry  
18 for a period of 3 months from the starting date of the  
19 program, unless authorized in writing by the Department to  
20 continue such practice for a period specified in writing by  
21 the Department.

22 The applicant shall only be entitled to perform such  
23 acts as may be prescribed by and incidental to his or her  
24 program of residency or specialty training and shall not  
25 otherwise engage in the practice of dentistry in this  
26 State.

1           The authority to practice shall terminate immediately  
2 upon:

3           (1) the decision of the Department that the  
4 applicant has failed the examination; or

5           (2) denial of licensure by the Department; or

6           (3) withdrawal of the application.

7 (Source: P.A. 97-526, eff. 1-1-12; 97-886, eff. 8-2-12;  
8 97-1013, eff. 8-17-12; 98-147, eff. 1-1-14; 98-463, eff.  
9 8-16-13; 98-756, eff. 7-16-14.)

10           (225 ILCS 25/17.5 new)

11           Sec. 17.5. Expanded functions for dental assistant. A  
12 dental assistant operating under the direct supervision of a  
13 dentist may perform the following services upon completion of  
14 appropriate training:

15           (1) placing, carving, and finishing of amalgam  
16 restorations by dental assistants who have had additional  
17 formal education and certification as determined by the  
18 Department; a dentist utilizing dental assistants shall  
19 not supervise more than 4 dental assistants at any one time  
20 for placing, carving, and finishing of amalgam  
21 restorations;

22           (2) monitoring of nitrous oxide, conscious sedation,  
23 deep sedation, and general anesthetic as provided in  
24 Section 8.1 of this Act, that may be performed only after  
25 successful completion of a training program approved by the

1 Department; a dentist utilizing dental assistants shall  
2 not supervise more than 4 dental assistants at any one time  
3 for the monitoring of nitrous oxide; and

4 (3) coronal polishing and pit and fissure sealants,  
5 which may be performed by a dental assistant who has  
6 successfully completed a training program approved by the  
7 Department; dental assistants may perform coronal  
8 polishing under the following circumstances: (1) the  
9 coronal polishing shall be limited to polishing the  
10 clinical crown of the tooth and existing restorations,  
11 supragingivally; (2) the dental assistant performing the  
12 coronal polishing shall be limited to the use of rotary  
13 instruments using a rubber cup or brush polishing method  
14 (air polishing is not permitted); and (3) the supervising  
15 dentist shall not supervise more than 4 dental assistants  
16 at any one time for the task of coronal polishing or pit  
17 and fissure sealants.

18 The limitations on the number of dental assistants a  
19 dentist may supervise contained in this Section mean a limit of  
20 4 total dental assistants or dental hygienists doing expanded  
21 functions covered by this Section being supervised by one  
22 dentist.

23 (225 ILCS 25/23) (from Ch. 111, par. 2323)

24 (Section scheduled to be repealed on January 1, 2016)

25 Sec. 23. Refusal, revocation or suspension of dental

1 licenses. The Department may refuse to issue or renew, or may  
2 revoke, suspend, place on probation, reprimand or take other  
3 disciplinary or non-disciplinary action as the Department may  
4 deem proper, including imposing fines not to exceed \$10,000 per  
5 violation, with regard to any license for any one or any  
6 combination of the following causes:

7 1. Fraud or misrepresentation in applying for or  
8 procuring a license under this Act, or in connection with  
9 applying for renewal of a license under this Act.

10 2. Inability to practice with reasonable judgment,  
11 skill, or safety as a result of habitual or excessive use  
12 or addiction to alcohol, narcotics, stimulants, or any  
13 other chemical agent or drug.

14 3. Willful or repeated violations of the rules of the  
15 Department of Public Health or Department of Nuclear  
16 Safety.

17 4. Acceptance of a fee for service as a witness,  
18 without the knowledge of the court, in addition to the fee  
19 allowed by the court.

20 5. Division of fees or agreeing to split or divide the  
21 fees received for dental services with any person for  
22 bringing or referring a patient, except in regard to  
23 referral services as provided for under Section 45, or  
24 assisting in the care or treatment of a patient, without  
25 the knowledge of the patient or his or her legal  
26 representative. Nothing in this item 5 affects any bona

1       fide independent contractor or employment arrangements  
2       among health care professionals, health facilities, health  
3       care providers, or other entities, except as otherwise  
4       prohibited by law. Any employment arrangements may include  
5       provisions for compensation, health insurance, pension, or  
6       other employment benefits for the provision of services  
7       within the scope of the licensee's practice under this Act.  
8       Nothing in this item 5 shall be construed to require an  
9       employment arrangement to receive professional fees for  
10      services rendered.

11       6. Employing, procuring, inducing, aiding or abetting  
12      a person not licensed or registered as a dentist or dental  
13      hygienist to engage in the practice of dentistry or dental  
14      hygiene. The person practiced upon is not an accomplice,  
15      employer, procurer, inducer, aider, or abetter within the  
16      meaning of this Act.

17       7. Making any misrepresentations or false promises,  
18      directly or indirectly, to influence, persuade or induce  
19      dental patronage.

20       8. Professional connection or association with or  
21      lending his or her name to another for the illegal practice  
22      of dentistry by another, or professional connection or  
23      association with any person, firm or corporation holding  
24      himself, herself, themselves, or itself out in any manner  
25      contrary to this Act.

26       9. Obtaining or seeking to obtain practice, money, or

1 any other things of value by false or fraudulent  
2 representations, but not limited to, engaging in such  
3 fraudulent practice to defraud the medical assistance  
4 program of the Department of Healthcare and Family Services  
5 (formerly Department of Public Aid) under the Illinois  
6 Public Aid Code.

7 10. Practicing under a false or, except as provided by  
8 law, an assumed name.

9 11. Engaging in dishonorable, unethical, or  
10 unprofessional conduct of a character likely to deceive,  
11 defraud, or harm the public.

12 12. Conviction by plea of guilty or nolo contendere,  
13 finding of guilt, jury verdict, or entry of judgment or by  
14 sentencing for any crime, including, but not limited to,  
15 convictions, preceding sentences of supervision,  
16 conditional discharge, or first offender probation, under  
17 the laws of any jurisdiction of the United States that (i)  
18 is a felony under the laws of this State or (ii) is a  
19 misdemeanor, an essential element of which is dishonesty,  
20 or that is directly related to the practice of dentistry.

21 13. Permitting a dental hygienist, dental assistant or  
22 other person under his or her supervision to perform any  
23 operation not authorized by this Act.

24 14. Permitting more than 4 dental hygienists to be  
25 employed under his or her supervision at any one time.

26 15. A violation of any provision of this Act or any

1 rules promulgated under this Act.

2 16. Taking impressions for or using the services of any  
3 person, firm or corporation violating this Act.

4 17. Violating any provision of Section 45 relating to  
5 advertising.

6 18. Discipline by another U.S. jurisdiction or foreign  
7 nation, if at least one of the grounds for the discipline  
8 is the same or substantially equivalent to those set forth  
9 within this Act.

10 19. Willfully failing to report an instance of  
11 suspected child abuse or neglect as required by the Abused  
12 and Neglected Child Reporting Act.

13 20. Gross negligence in practice under this Act.

14 21. The use or prescription for use of narcotics or  
15 controlled substances or designated products as listed in  
16 the Illinois Controlled Substances Act, in any way other  
17 than for therapeutic purposes.

18 22. Willfully making or filing false records or reports  
19 in his or her practice as a dentist, including, but not  
20 limited to, false records to support claims against the  
21 dental assistance program of the Department of Healthcare  
22 and Family Services (formerly Illinois Department of  
23 Public Aid).

24 23. Professional incompetence as manifested by poor  
25 standards of care.

26 24. Physical or mental illness, including, but not

1 limited to, deterioration through the aging process, or  
2 loss of motor skills which results in a dentist's inability  
3 to practice dentistry with reasonable judgment, skill or  
4 safety. In enforcing this paragraph, the Department may  
5 compel a person licensed to practice under this Act to  
6 submit to a mental or physical examination pursuant to the  
7 terms and conditions of Section 23b.

8 25. Gross or repeated irregularities in billing for  
9 services rendered to a patient. For purposes of this  
10 paragraph 25, "irregularities in billing" shall include:

11 (a) Reporting excessive charges for the purpose of  
12 obtaining a total payment in excess of that usually  
13 received by the dentist for the services rendered.

14 (b) Reporting charges for services not rendered.

15 (c) Incorrectly reporting services rendered for  
16 the purpose of obtaining payment not earned.

17 26. Continuing the active practice of dentistry while  
18 knowingly having any infectious, communicable, or  
19 contagious disease proscribed by rule or regulation of the  
20 Department.

21 27. Being named as a perpetrator in an indicated report  
22 by the Department of Children and Family Services pursuant  
23 to the Abused and Neglected Child Reporting Act, and upon  
24 proof by clear and convincing evidence that the licensee  
25 has caused a child to be an abused child or neglected child  
26 as defined in the Abused and Neglected Child Reporting Act.

1           28. Violating the Health Care Worker Self-Referral  
2 Act.

3           29. Abandonment of a patient.

4           30. Mental incompetency as declared by a court of  
5 competent jurisdiction.

6           31. A finding by the Department that the licensee,  
7 after having his or her license placed on probationary  
8 status, has violated the terms of probation.

9           32. Material misstatement in furnishing information to  
10 the Department.

11           33. Failing, within 60 days, to provide information in  
12 response to a written request by the Department in the  
13 course of an investigation.

14           34. Immoral conduct in the commission of any act,  
15 including, but not limited to, commission of an act of  
16 sexual misconduct related to the licensee's practice.

17           35. Cheating on or attempting to subvert the licensing  
18 examination administered under this Act.

19           36. A pattern of practice or other behavior that  
20 demonstrates incapacity or incompetence to practice under  
21 this Act.

22           37. Failure to establish and maintain records of  
23 patient care and treatment as required under this Act.

24           38. Failure to provide copies of dental records as  
25 required by law.

26 All proceedings to suspend, revoke, place on probationary

1 status, or take any other disciplinary action as the Department  
2 may deem proper, with regard to a license on any of the  
3 foregoing grounds, must be commenced within 5 ~~3~~ years after  
4 receipt by the Department of a complaint alleging the  
5 commission of or notice of the conviction order for any of the  
6 acts described herein. Except for fraud in procuring a license,  
7 no action shall be commenced more than 7 ~~5~~ years after the date  
8 of the incident or act alleged to have violated this Section.  
9 The time during which the holder of the license was outside the  
10 State of Illinois shall not be included within any period of  
11 time limiting the commencement of disciplinary action by the  
12 Department.

13 All fines imposed under this Section shall be paid within  
14 60 days after the effective date of the order imposing the fine  
15 or in accordance with the terms set forth in the order imposing  
16 the fine.

17 The Department may refuse to issue or may suspend the  
18 license of any person who fails to file a return, or to pay the  
19 tax, penalty or interest shown in a filed return, or to pay any  
20 final assessment of tax, penalty or interest, as required by  
21 any tax Act administered by the Illinois Department of Revenue,  
22 until such time as the requirements of any such tax Act are  
23 satisfied.

24 Any dentist who has had his or her license suspended or  
25 revoked for more than 5 years must comply with the requirements  
26 for restoration set forth in Section 16 prior to being eligible

1 for reinstatement from the suspension or revocation.

2 (Source: P.A. 96-1482, eff. 11-29-10; 97-102, eff. 7-14-11;  
3 97-813, eff. 7-13-12; 97-1013, eff. 8-17-12.)

4 (225 ILCS 25/24) (from Ch. 111, par. 2324)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 24. Refusal, Suspension or Revocation of Dental  
7 Hygienist License. The Department may refuse to issue or renew  
8 or may revoke, suspend, place on probation, reprimand or take  
9 other disciplinary or non-disciplinary action as the  
10 Department may deem proper, including imposing fines not to  
11 exceed \$10,000 per violation, with regard to any dental  
12 hygienist license for any one or any combination of the  
13 following causes:

14 1. Fraud or misrepresentation in applying for or  
15 procuring a license under this Act, or in connection with  
16 applying for renewal of a license under this Act.

17 2. Performing any operation not authorized by this Act.

18 3. Practicing dental hygiene other than under the  
19 supervision of a licensed dentist as provided by this Act.

20 4. The wilful violation of, or the wilful procuring of,  
21 or knowingly assisting in the violation of, any Act which  
22 is now or which hereafter may be in force in this State  
23 relating to the use of habit-forming drugs.

24 5. The obtaining of, or an attempt to obtain a license,  
25 or practice in the profession, or money, or any other thing

1 of value by fraudulent representation.

2 6. Gross negligence in performing the operative  
3 procedure of dental hygiene.

4 7. Active practice of dental hygiene while knowingly  
5 having any infectious, communicable, or contagious disease  
6 proscribed by rule or regulation of the Department.

7 8. Inability to practice with reasonable judgment,  
8 skill, or safety as a result of habitual or excessive use  
9 or addiction to alcohol, narcotics, stimulants, or any  
10 other chemical agent or drug.

11 9. Conviction by plea of guilty or nolo contendere,  
12 finding of guilt, jury verdict, or entry of judgment or by  
13 sentencing of any crime, including, but not limited to,  
14 convictions, preceding sentences of supervision,  
15 conditional discharge, or first offender probation, under  
16 the laws of any jurisdiction of the United States that (i)  
17 is a felony or (ii) is a misdemeanor, an essential element  
18 of which is dishonesty, or that is directly related to the  
19 practice of dental hygiene.

20 10. Aiding or abetting the unlicensed practice of  
21 dentistry or dental hygiene.

22 11. Discipline by another U.S. jurisdiction or a  
23 foreign nation, if at least one of the grounds for the  
24 discipline is the same or substantially equivalent to those  
25 set forth in this Act.

26 12. Violating the Health Care Worker Self-Referral

1 Act.

2 13. Violating the prohibitions of Section 38.1 of this  
3 Act.

4 14. Engaging in dishonorable, unethical, or  
5 unprofessional conduct of a character likely to deceive,  
6 defraud, or harm the public.

7 15. A finding by the Department that the licensee,  
8 after having his or her license placed on probationary  
9 status, has violated the terms of probation.

10 16. Material misstatement in furnishing information to  
11 the Department.

12 17. Failing, within 60 days, to provide information in  
13 response to a written request by the Department in the  
14 course of an investigation.

15 18. Immoral conduct in the commission of any act,  
16 including, but not limited to, commission of an act of  
17 sexual misconduct related to the licensee's practice.

18 19. Cheating on or attempting to subvert the licensing  
19 examination administered under this Act.

20 20. Violations of this Act or of the rules promulgated  
21 under this Act.

22 21. Practicing under a false or, except as provided by  
23 law, an assumed name.

24 The provisions of this Act relating to proceedings for the  
25 suspension and revocation of a license to practice dentistry  
26 shall apply to proceedings for the suspension or revocation of

1 a license as a dental hygienist.

2 All proceedings to suspend, revoke, place on probationary  
3 status, or take any other disciplinary action as the Department  
4 may deem proper with regard to a license on any of the grounds  
5 contained in this Section, must be commenced within 5 years  
6 after receipt by the Department of a complaint alleging the  
7 commission of or notice of the conviction order for any of the  
8 acts described in this Section. Except for fraud in procuring a  
9 license, no action shall be commenced more than 7 years after  
10 the date of the incident or act alleged to have violated this  
11 Section. The time during which the holder of the license was  
12 outside the State of Illinois shall not be included within any  
13 period of time limiting the commencement of disciplinary action  
14 by the Department.

15 All fines imposed under this Section shall be paid within  
16 60 days after the effective date of the order imposing the fine  
17 or in accordance with the terms set forth in the order imposing  
18 the fine.

19 Any dental hygienist who has had his or her license  
20 suspended or revoked for more than 5 years must comply with the  
21 requirements for restoration set forth in Section 16 prior to  
22 being eligible for reinstatement from the suspension or  
23 revocation.

24 (Source: P.A. 97-102, eff. 7-14-11; 97-1013, eff. 8-17-12.)

25 (225 ILCS 25/25) (from Ch. 111, par. 2325)

1 (Section scheduled to be repealed on January 1, 2016)

2 Sec. 25. Notice of hearing; investigations and informal  
3 conferences.

4 (a) Upon the motion of either the Department or the Board  
5 or upon the verified complaint in writing of any person setting  
6 forth facts which if proven would constitute grounds for  
7 refusal, suspension or revocation of license under this Act,  
8 the Board shall investigate the actions of any person,  
9 hereinafter called the respondent, who holds or represents that  
10 he or she holds a license. All such motions or complaints shall  
11 be brought to the Board.

12 (b) Prior to taking an in-person statement from a dentist  
13 or dental hygienist who is the subject of a complaint, the  
14 investigator shall inform the dentist or the dental hygienist  
15 in writing:

16 (1) that the dentist or dental hygienist is the subject  
17 of a complaint;

18 (2) that the dentist or dental hygienist need not  
19 immediately proceed with the interview and may seek  
20 appropriate consultation prior to consenting to the  
21 interview; and

22 (3) that failure of the dentist or dental hygienist to  
23 proceed with the interview shall not prohibit the  
24 Department from conducting a visual inspection of the  
25 facility.

26 A Department investigator's failure to comply with this

1 subsection may not be the sole ground for dismissal of any  
2 order of the Department filed upon a finding of a violation or  
3 for dismissal of a pending investigation.

4 (b-5) The duly authorized dental investigators of the  
5 Department shall have the right to enter and inspect, during  
6 business hours, the business premises of a dentist licensed  
7 under this Act or of a person who holds himself or herself out  
8 as practicing dentistry, with due consideration for patient  
9 care of the subject of the investigation, so as to inspect the  
10 physical premises and equipment and furnishings therein. This  
11 right of inspection shall not include inspection of business,  
12 medical, or personnel records located on the premises without a  
13 Department subpoena issued in accordance with Section 25.1 of  
14 this Act or Section 2105-105 of the Department of Professional  
15 Regulation Law of the Civil Administrative Code of Illinois.  
16 For the purposes of this Section, "business premises" means the  
17 office or offices where the dentist conducts the practice of  
18 dentistry.

19 (c) If the Department concludes on the basis of a complaint  
20 or its initial investigation that there is a possible violation  
21 of the Act, the Department may:

22 (1) schedule a hearing pursuant to this Act; or

23 (2) request in writing that the dentist or dental  
24 hygienist being investigated attend an informal conference  
25 with representatives of the Department.

26 The request for an informal conference shall contain the

1 nature of the alleged actions or inactions that constitute the  
2 possible violations.

3 A dentist or dental hygienist shall be allowed to have  
4 legal counsel at the informal conference. If the informal  
5 conference results in a consent order between the accused  
6 dentist or dental hygienist and the Department, the consent  
7 order must be approved by the Secretary. All consent orders  
8 must be signed by a member of the Board prior to approval by  
9 the Secretary. ~~However, if the consent order would result in a~~  
10 ~~fine exceeding \$10,000 or the suspension or revocation of the~~  
11 ~~dentist or dental hygienist license, the consent order must be~~  
12 ~~approved by the Board and the Secretary.~~ Participation in the  
13 informal conference by a dentist, a dental hygienist, or the  
14 Department and any admissions or stipulations made by a  
15 dentist, a dental hygienist, or the Department at the informal  
16 conference, including any agreements in a consent order that is  
17 subsequently disapproved by ~~either the Board or~~ the Secretary,  
18 shall not be used against the dentist, dental hygienist, or  
19 Department at any subsequent hearing and shall not become a  
20 part of the record of the hearing.

21 (d) The Secretary shall, before suspending, revoking,  
22 placing on probationary status, or taking any other  
23 disciplinary action as the Secretary may deem proper with  
24 regard to any license, at least 30 days prior to the date set  
25 for the hearing, notify the respondent in writing of any  
26 charges made and the time and place for a hearing of the

1 charges before the Board, direct him or her to file his or her  
2 written answer thereto to the Board under oath within 20 days  
3 after the service on him or her of such notice and inform him  
4 or her that if he or she fails to file such answer default will  
5 be taken against him or her and his or her license may be  
6 suspended, revoked, placed on probationary status, or other  
7 disciplinary action may be taken with regard thereto, including  
8 limiting the scope, nature or extent of his or her practice, as  
9 the Secretary may deem proper.

10 (e) Such written notice and any notice in such proceedings  
11 thereafter may be served by delivery personally to the  
12 respondent, or by registered or certified mail to the address  
13 last theretofore specified by the respondent in his or her last  
14 notification to the Secretary.

15 (Source: P.A. 97-1013, eff. 8-17-12.)

16 (225 ILCS 25/26) (from Ch. 111, par. 2326)

17 (Section scheduled to be repealed on January 1, 2016)

18 Sec. 26. Disciplinary actions.

19 (a) In case the respondent, after receiving notice, fails  
20 to file an answer, his or her license may, in the discretion of  
21 the Secretary, having first received the recommendation of the  
22 Board, be suspended, revoked, placed on probationary status, or  
23 the Secretary may take whatever disciplinary or  
24 non-disciplinary action he or she may deem proper, including  
25 limiting the scope, nature, or extent of the person's practice

1 or the imposition of a fine, without a hearing, if the act or  
2 acts charged constitute sufficient grounds for such action  
3 under this Act.

4 (b) The Secretary may temporarily suspend the license of a  
5 dentist or dental hygienist without a hearing, simultaneous to  
6 the institution of proceedings for a hearing under this Act, if  
7 the Secretary finds that evidence in his or her possession  
8 indicates that a dentist's or dental hygienist's continuation  
9 in practice would constitute an immediate danger to the public.  
10 In the event that the Secretary temporarily suspends the  
11 license of a dentist or a dental hygienist without a hearing, a  
12 hearing by the Board must be held within 15 days after such  
13 suspension has occurred.

14 (c) The entry of a judgment by any circuit court  
15 establishing that any person holding a license under this Act  
16 is a person subject to involuntary admission under the Mental  
17 Health and Developmental Disabilities Code shall operate as a  
18 suspension of that license. That person may resume his or her  
19 practice only upon a finding by the Board that he or she has  
20 been determined to be no longer subject to involuntary  
21 admission by the court and upon the Board's recommendation to  
22 the Secretary that he or she be permitted to resume his or her  
23 practice.

24 (Source: P.A. 97-1013, eff. 8-17-12.)

25 (225 ILCS 25/29) (from Ch. 111, par. 2329)

1 (Section scheduled to be repealed on January 1, 2016)

2 Sec. 29. Recommendations for disciplinary action - Action  
3 by Secretary. The Board may advise the Secretary that probation  
4 be granted or that other disciplinary action, including the  
5 limitation of the scope, nature or extent of a person's  
6 practice, be taken, as it deems proper. If disciplinary action  
7 other than suspension or revocation is taken, the Board may  
8 advise that the Secretary impose reasonable limitations and  
9 requirements upon the respondent to insure compliance with the  
10 terms of the probation or other disciplinary action, including,  
11 but not limited to, regular reporting by the respondent to the  
12 Secretary of his or her actions, or the respondent's placing  
13 himself or herself under the care of a qualified physician for  
14 treatment or limiting his or her practice in such manner as the  
15 Secretary may require.

16 The Board shall present to the Secretary a written report  
17 of its findings and recommendations. A copy of such report  
18 shall be served upon the respondent, either personally or by  
19 registered or certified mail. Within 20 days after such  
20 service, the respondent may present to the Department his or  
21 her motion in writing for a rehearing, specifying the  
22 particular ground therefor. If the respondent orders from the  
23 reporting service and pays for a transcript of the record, the  
24 time elapsing thereafter and before such transcript is ready  
25 for delivery to him or her shall not be counted as part of such  
26 20 days.

1           At the expiration of the time allowed for filing a motion  
2 for rehearing the Secretary may take the action recommended by  
3 the Board. Upon suspension, revocation, placement on  
4 probationary status, or the taking of any other disciplinary  
5 action, including the limiting of the scope, nature, or extent  
6 of one's practice, deemed proper by the Secretary, with regard  
7 to the license, the respondent shall surrender his or her  
8 license to the Department, if ordered to do so by the  
9 Department, and upon his or her failure or refusal to do so,  
10 the Department may seize the same.

11           In all instances under this Act in which the Board has  
12 rendered a recommendation to the Secretary with respect to a  
13 particular person, the Secretary shall, to the extent that he  
14 or she disagrees with or takes action contrary to the  
15 recommendation of the Board, file with the Board his or her  
16 specific written reasons of disagreement. Such reasons shall be  
17 filed within 30 days after the Secretary has taken the contrary  
18 position.

19           Each order of revocation, suspension, or other  
20 disciplinary action shall contain a brief, concise statement of  
21 the ground or grounds upon which the Department's action is  
22 based, as well as the specific terms and conditions of such  
23 action. The original of this document shall be retained as a  
24 permanent record by the Board and the Department. In those  
25 instances where an order of revocation, suspension, or other  
26 disciplinary action has been rendered by virtue of a dentist's

1 or dental hygienist's physical illness, including, but not  
2 limited to, deterioration through the aging process, or loss of  
3 motor skill which results in an inability to practice with  
4 reasonable judgment, skill, or safety, the Department shall  
5 permit only this document and the record of the hearing  
6 incident thereto to be observed, inspected, viewed, or copied  
7 pursuant to court order.

8 (Source: P.A. 97-1013, eff. 8-17-12.)

9 (225 ILCS 25/30) (from Ch. 111, par. 2330)

10 (Section scheduled to be repealed on January 1, 2016)

11 Sec. 30. Appointment of a Hearing Officer. The Secretary  
12 shall have the authority to appoint any attorney duly licensed  
13 to practice law in the State of Illinois to serve as the  
14 hearing officer if any action for refusal to issue, renew or  
15 discipline of a license. The hearing officer shall have full  
16 authority to conduct the hearing. The hearing officer shall  
17 report his or her findings and recommendations to the Board and  
18 the Secretary. The Board shall have 60 days from receipt of the  
19 report to review the report of the hearing officer and present  
20 its findings of fact, conclusions of law and recommendations to  
21 the Secretary. If the Board fails to present its report within  
22 the 60 day period, the Secretary shall issue an order based on  
23 the report of the hearing officer. ~~If the Secretary determines~~  
24 ~~that the Board's report is contrary to the manifest weight of~~  
25 ~~the evidence, he or she may issue an order in contravention of~~

1 ~~the Board's report.~~

2 Whenever the Secretary is satisfied that substantial  
3 justice has not been done in a formal disciplinary action or  
4 refusal to restore a license, he or she may order a  
5 reexamination or rehearing by the same or other hearing  
6 officer.

7 (Source: P.A. 97-1013, eff. 8-17-12.)

8 (225 ILCS 25/41) (from Ch. 111, par. 2341)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 41. Dental Coordinator. The Department shall select a  
11 dental coordinator, who shall not be a member of the Board. The  
12 dental coordinator shall be a dentist. The dental coordinator  
13 shall be the chief enforcement officer of the disciplinary  
14 provisions of this Act.

15 The Department shall employ, in conformity with the  
16 "Personnel Code", such investigators as it deems necessary to  
17 investigate violations of this Act ~~not less than one full time~~  
18 ~~investigator for every 3,000 dentists and dental hygienists in~~  
19 ~~the State.~~ Each investigator shall be a college graduate with  
20 at least 2 years' investigative experience or one year of  
21 advanced dental or medical education. The Department shall  
22 employ, in conformity with the "Personnel Code", such other  
23 professional, technical, investigative and clerical assistance  
24 on either a full or part-time basis, as the Department deems  
25 necessary for the proper performance of its duties. The

1 Department shall retain and use such hearing officers as it  
2 deems necessary. All employees of the Department shall be  
3 directed by, and answerable to, the Department, with respect to  
4 their duties and functions.

5 (Source: P.A. 84-365.)

6 (225 ILCS 25/50) (from Ch. 111, par. 2350)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 50. Patient Records. Every dentist shall make a record  
9 of all dental work performed for each patient. The record shall  
10 be made in a manner and in sufficient detail that it may be  
11 used for identification purposes.

12 Dental records required by this Section shall be maintained  
13 for 10 years. Dental records required to be maintained under  
14 this Section, or copies of those dental records, shall be made  
15 available upon request to the patient or the patient's  
16 guardian. A dentist shall be entitled to reasonable  
17 reimbursement for the cost of reproducing these records, which  
18 shall not exceed the cost allowed under Section 8-2001 ~~8-2003~~  
19 of the Code of Civil Procedure. A dentist providing services  
20 through a mobile dental van or portable dental unit shall  
21 provide to the patient or the patient's parent or guardian, in  
22 writing, the dentist's name, license number, address, and  
23 information on how the patient or the patient's parent or  
24 guardian may obtain the patient's dental records, as provided  
25 by law.

1 (Source: P.A. 97-526, eff. 1-1-12.)

2 (225 ILCS 25/19 rep.)

3 (225 ILCS 25/19.1 rep.)

4 (225 ILCS 25/19.2 rep.)

5 (225 ILCS 25/35 rep.)

6 Section 15. The Illinois Dental Practice Act is amended by  
7 repealing Sections 19, 19.1, 19.2, and 35.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.

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